

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IMPLICIT NETWORKS, INC.,

No. C 10-04234 SI

Plaintiff,

**ORDER ON IMPLICIT'S MOTION TO
COMPEL**

v.

JUNIPER NETWORKS, INC.,

Defendant.

Currently before the Court is Implicit's motion to compel Juniper to produce the SRX source code files relied upon by Juniper's expert, Dr. Peter Alexander, and to produce Dr. Alexander for an additional two hours of deposition. [Docket No. 152].

Juniper points out that Implicit did not request production of this material until Dr. Alexander's October 16th deposition was in progress, even though Implicit had Dr. Alexander's rebuttal report, identifying portions of the source code he relied on, for over a month before the deposition commenced. Implicit could have, but did not, ask for production of hard copies of that material, as well as any additional source code Dr. Alexander reviewed, before his deposition.

Juniper has agreed to produce hard copies of the source code files identified by Dr. Alexander in his expert report. [Docket No. 153]. The Court further ORDERS Juniper to produce hard copies of any source code that Dr. Alexander reviewed, as identified in his deposition. In all other respects, the motion is DENIED.

IT IS SO ORDERED.

Dated: November 8, 2012



SUSAN ILLSTON
United States District Judge